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9 *Counsel for Plaintiff, on behalf of himself*
10 *and all others similarly situated*

11 [Additional Counsel on signature page]

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 PAUL CORMIER and
15 NICHOLAS SHONER, on
16 behalf of themselves and all
17 others similarly situated,

18 Plaintiffs,

19 vs.

20 CARRIER CORPORATION,

21 Defendant.
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) Case No.: 8:18-cv-07030-
) CAS (EX)

) **UNOPPOSED MOTION**
) **FOR ENTRY OF**
) **JUDGMENT**

1 Pursuant to Rules 58 and 68(a) of the Federal Rules of Civil Procedure,
2 Plaintiffs Nicholas Shoner and Paul Cormier (“Plaintiffs”) move for entry of final
3 judgment in the form attached as Exhibit A. Defendant Carrier Corporation
4 (“Defendant”) does not oppose this request. In support of this Motion, Plaintiffs
5 state as follows:

6 1. Plaintiffs filed this Action against Defendant on June 8, 2018, and it
7 was transferred to this Court. (ECF No. 1.)

8 2. On October 22, 2018, in its decision on Defendant’s motion to
9 dismiss, the Court dismissed all claims asserted by Mr. Shoner. (ECF No. 52.)
10 Although the Court afforded the plaintiffs 14 days to amend the complaint, they
11 chose to stand on the original complaint. Therefore, all of Mr. Shoner’s claims
12 have been dismissed since October 22, 2018.

13 3. On November 16, 2020, Mr. Cormier accepted an offer of judgment
14 in his favor from Carrier, inclusive of costs and fees. (ECF No. 116.) Mr. Cormier
15 is entitled to entry of judgment under Rule 68, which states that after acceptance
16 of an offer of judgment, “[t]he clerk must then enter judgment.”

17 4. As there are no longer any claims pending, the Court should enter
18 final judgment concluding this Action as to all claims and parties.

19 5. Even though the Court consolidated this action for “pretrial purposes
20 only” with the action in *Oddo v. United Technologies Corporation*, case number
21 8:15-cv-01985-CAS(Ex), (ECF No. 104), “one of multiple cases consolidated
22 under [Rule 42(a)] retains its independent character, at least to the extent it is
23 appealable when finally resolved, regardless of any ongoing proceedings in the
24 other cases.” *Hall v. Hall*, 138 S. Ct. 1118, 1128-29 (2018). Thus, the Court
25 should enter final judgment in this action.

26 6. Plaintiffs, therefore, respectfully request that the Court enter
27 judgment in the form attached as Exhibit A.

28 7. Plaintiffs’ counsel has conferred with Defendant’s counsel, and
Defendant does not oppose this motion.

1 DATED: February 26, 2021

By: /s/ Timothy N. Mathews

2 Timothy N. Mathews (*Pro Hac Vice*)

3 Zachary P. Beatty (*Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I certify that on February 26, 2020, a copy of the foregoing *Unopposed Motion for Entry of Judgment* was served via the ECF notification system on all registered users.

/s/ Timothy N. Mathews
Timothy N. Mathews

Attorney for Plaintiff